IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 13975 of 2007(L)

OS.304/2007 of PRL.MUNSIFF COURT, CHERTHALA

PETITIONER:

T.B.UNNIKRISHNAN,
S/O.BHARGAVAN PILLAI, AGED 41, KAMALA NIVAS,
AROOR VILLAGE, AROOR MURI, CHERTHALA TALUK,
ALAPPUZHA DIST.

BY ADV. DR.V.N.SANKARJEE
SRI.V.N.MADHUSUDANAN
SMT.R.UDAYA JYOTHI

RESPONDENTS:
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1. RAJITHA R.@ RAJITHAMMA,
W/O.B.BABURAJ, AGED 41, SARADHA KRISHNA BHAVANAM
(KOCHUVELIYIL), AROOR VILLAGE, NOW RESIDING AT
PALLIPPATTU HOUSE, NEAR NCC KAVALA, THURAVOOR,
CHERTHALA.

2. DON BOSCO WELFARE CENTRE SOCIETY,
REPRESENTED BY ITS PRESENT DIRECTOR AND
SECRETARY FR.P.D.THOMAS, S/O.DEVASSY, AGED 34,
DON BOSCO WELFARE CENTRE, PALLURUTHY, KOCHI-6.

BY ADV. SRI.JOSE TOM C. KANDATHIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF THE SALE CERTIFICATE DTD.9.9.2005 ISSUED TO THE PETR.BY THE MUNSIFF'S COURT, CHERTHALA.
EXT.P2	TRUE COPY OF THE DELIVERY CHIT DTD.24.2.2006 ISSUED TO THE PETR. BY THE MUNSIFF'S COURT, CHERTHALA.
EXT.P3	TRUE COPY OF TAX RECEITP DTD.13.4.2007 ISSUED FROM THE VILLAGE OFFICER, AROOR.
EXT.P4	TRUE COPY OF POSSESSION CERTIFICATE DTD.2.1.2007 ISSUED FROM THE VILLAGE OFFICER, AROOR.
EXT.P5	TRUE COPY OF BUILDING TAX RECEIPT DTD.26.12.2006 ISSUED BY THE GRAMA PANCHAYAT AROOR.
EXT.P6	TRUE COPY OF THE OWNERSHIP CERTIFICATE DTD.26.12.2006 ISSUED BY THE GRAMA PANCHAYATH, AROOR.
EXT.P7	TRUE COPY OF ENCUMBRANCE CERTIFICATE DTD.27.12.2006 ISSUED FROM THE SUB REGISTRAR, KUTHIYATHODE.
EXT.P8	TRUE COPY OF THE PLAINT DTD.12.4.2007 IN O.S.304/2007 ON THE FILE OF THE MUNSIFF'S COURT, CHERTHALA.
EXT.P9	TRUE COPY OF PETITION DTD.12.4.2007 IN I.A.1341/2007 OF THE MUNSIFF'S COURT, CHERTHALA.
EXT.P10	TRUE COPY OF SALE DEED DTD.29.5.2003 BEARING NO.1840/2003 ON THE FILE OF THE SRO, KUTHIYATHODE.

TRUE COPY

P.A.TO JUDGE

M.N.KRISHNAN, J.

WP(C)No. 13975 OF 2007 L

Dated this the 20th June, 2007.

JUDGMENT

This writ petition is filed seeking to quash Ext.P8. Ext.P8 is a plaint filed as O.S.304/07 before the Munsiff Court, Cherthala to pass a decree for permanent prohibitory injunction against the second defendant from interfering with the peaceful enjoyment of the plaint schedule property. The present writ petitioner is the second defendant in the suit. The writ petition itself is not maintainable to quash a plaint. If the suit is not maintainable it is for the party to appear before the court and raise the point and request the court to consider it as a preliminary issue. There is no question of quashing a plaint exercising the jurisdiction under Articles 226 and 227 of the Constitution of India. Therefore writ petition is dismissed.

M.N.KRISHNAN
Judge

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